

In the
Indiana Supreme Court



IN RE SALARY ADJUSTMENT APPROVAL)
)
UNDER HEA 1001)

CAUSE No. 94S00-1106-MS-344

APPROVAL OF STATUTORY ADJUSTMENT

Under provisions of the Indiana Code enacted in 2005, the salaries of judges and prosecutors, such that if the Governor of Indiana directs pay adjustments for employees serving in the Executive Branch, their compensation is adjusted at an equivalent rate. Ind Code § 33-38-5-8.1. When adjustments for judges and prosecutors do occur, they are typically delayed for six months.

There is nothing guaranteed or automatic about this process. It operates only when the Governor concludes that the state can and should provide cost-of-living or performance based increases.

In the state's new budget enacted by the General Assembly, the legislature has directed that any such adjustment that would occur under existing statutes during the new biennium will not take effect unless it is also approved by the Chief Justice. HEA 1001, § 265.

On last December 21st, Governor Daniels announced that after two years during which state salaries were necessarily frozen due to the recession, the state was in a position to "recognize financially the hard work" of state employees by implementing a small pay increase, an adjustment that averaged 1.3 percent. The Director of the State Budget Agency has determined that this 1.3 percent is the equivalent rate applicable to judges and prosecutors.

After considering the question placed before me by HEA 1001, I conclude like Governor Daniels that the regular operation of law should apply and that the pay of judges and prosecutors should be adjusted according to the statute. After two years of frozen salaries, it is altogether right that the pay raise afforded the state's Executive Branch employees in January should be given to judges and prosecutors and their families this coming July. We expect court revenue will be largely adequate to cover these expenses.

Thus, I give the approval contemplated by HEA 1001.

Done this 16th day of June 2011, at Indianapolis.

Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana